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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER	
CHOI, PETER H	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/773,547	LIU ET AL.	
	Examiner	Art Unit	
	Peter Choi	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *15 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-11 and 13-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-11 and 13-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Non-Final Office action is response to applicant's response to Applicant's amendment filed April 15, 2005. Applicant's amendment amended claims 1,10, 13, 15, 16, 18, 21, 22, 27, 28, 30, 31, and 32. Applicant's amendment canceled claims 7 and 12 and added new claims 33, 34, and 35. Claims 1-6, 8-11, and 13-35 are pending in the application.

Response to Amendment

2. Applicant's amendment filed on April 15, 2005 with respect to amended claims necessitated new ground(s) of rejection.

Response to Arguments

3. Applicant's arguments with respect to canceled claims 7 and 12, amended claims 1, 10, 13, 15, 16, 18, 21, 22, 27, 28, 30, 31, and 32, and new claims 33-35 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. Applicant has canceled claim 12 and amended claims 18, 21, and 30 and has overcome the 35 USC § 112 rejections citing lack of antecedent basis. The rejections of these claims under 35 USC § 112 are hereby withdrawn.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 34 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for polling, does not reasonably provide enablement for voting. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims. In light of the specification, it is unclear as to whether the step of voting differs from the step of polling. There is no support in the specification to support a traditional voting structure. For the purposes of the following art rejection, the examiner has interpreted the voting step as claimed to be conducted in a manner consistent with polling.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Dependent claim 4 states that the survey evaluates consumer satisfaction with the transaction, a direct contradiction of the survey (which comprises a political poll) as cited in independent claim 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-6, 8-11, 13-14, 16-17, 19-23, and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedesco et al. (U.S Patent #6,161,059) in view of Joao (PGPub 2001/0056374).

As per claim 1, Tedesco et al. teaches a system for conducting a survey, comprising:

a presentation unit **(liquid crystal display unit or a light emitting diode display unit)** for presenting a plurality of choices at a point-of-transaction terminal **(vending machine)**; [Column 5, lines 38-40]

an input unit **(input device)** for entering the preferred choices [Column 4, lines 44-47]; and

a recording unit **(data storage device)** for recording the entered choices [Column 5, line 51 – Column 6, line 7].

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of conducting political polls at a point-of-transaction terminal in order to appeal to a broader target audience, increasing the likely response rate and providing a more accurate polling result.

As per claim 2, Tedesco et al. teaches the system of claim 1, further comprising:

a reward unit for rewarding a user **(customer)** making the choices **(providing responses about their preferences or opinions in the form of a survey)**. [Column 3, lines 65-67]

As per claim 3, Tedesco et al. teaches the system of claim 2, wherein said reward includes at least one of a monetary reward, a discount **(rebate)** on a present purchase, a discount on a future **(subsequent)** purchase, and loyalty points for rewarding a frequent user. [Column 4, lines 17-20]

As per claim 4, Tedesco et al. teaches the system of claim 1, wherein said survey evaluates consumer satisfaction **(preferences of opinions)** with the transaction [Column 3, lines 64-67].

As per claim 5, Tedesco et al. teaches the system of claim 4, wherein the satisfaction is based upon at least one of the quality of a product **(alternative products)** and a quality of a service **(alternative locations)** [Column 7, lines 35-37, Claims 4-5]. A consumer's satisfaction level is considered non-functional material.

As per claim 6, Tedesco et al. teaches the system of claim 1, wherein said point-of-transaction comprises at least one of a restaurant **(snack or beverage machines)**, a hotel, a retail location, an automated teller machine **(ATM)**, and an entertainment location **(pay telephones or slot machines)** [Column 3, lines 45-50].

As per claim 8, Tedesco et al. teaches the system of claim 1, wherein said point-of-transaction terminal **(vending machine)** comprises a credit card reader **(card reader 120)** [Column 4, lines 66-67 and Column 5, lines 1-5].

As per claim 9, Tedesco et al teaches a vending machine, a point-of-transaction terminal that inherently comprises a point-of-sale terminal, as the payment processing system is housed within the machine.

As per claim 10, Tedesco et al. teaches a system for conducting a consumer evaluation, comprising:

a credit card reader **(conventional reader for reading data from a credit card)**; [Column 4, lines 66-67]

a point-of-transaction terminal **(vending machine)** operatively coupled to said credit card reader [Column 5, lines 1-5] , a survey being interactively and electronically displayed for said consumer **(providing the customer with a question and possible answers)** at a time of a transaction [Column 7, lines 33-40 and Column 9, lines 44-47];

Although Tedesco et al. does not teach a payment gateway server coupled to the point-of-transaction terminal, means of processing credit card payments are old and well known in the art and are common in point-of-transaction terminals. It would have been obvious to one of ordinary skill in the art to modify the teachings of Tedesco et al.

to couple the point-of-transaction terminal with a payment gateway server to facilitate the transfer of funds as needed to complete the transaction.

Although not expressly disclosed, Tedesco et al. contains a survey processing center for processing the survey answers, since rewards are not provided to the customer until an answer to the survey question is received.

Whether or not processing components are coupled together into a single component or embodied in separate components does not affect performance or functionality. The step of coupling the survey processing center and a payment gateway server is therefore considered to be non-functional material. Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to couple the payment gateway server to the survey processing center so that only the survey answers of participants who have completed a transaction are counted, preserving the validity of the results.

As per claim 11, Tedesco et al. teaches a system for conducting a consumer evaluation, comprising:

a credit card reader [Column 4, lines 66-67] including:

a text display screen **(LCD, LED)** for displaying the information and messages [Column 5, lines 38-40]; and

an input unit **(input device)**. [Column 4, lines 44-47]

Tedesco et al. is silent regarding how credit card information is read using the credit card reader. However, it is inherent that card readers must swipe the magnetic stripe of the card to read credit card information.

As per claims 13 and 14, although not expressly disclosed, the vending machine in Tedesco et al. inherently communicates with the payment processing server of the proper financial institutions (banks, credit card companies) through a network, comprising a telephone network, an intranet, or the Internet.

As per claim 15, although not taught by Tedesco et al., the step of ordering a transfer of funds from a payer's bank, by a first transaction server to a payee's bank using a second transaction server is old and well known and is an inherent step in completing an exchange of money (electronic fund transfers, credit card payments, check payments, direct deposit payments, etc.).

As per claim 16, although not taught by Tedesco et al., Joao teaches the step of routing survey questions originating from a survey processing server over a network to be displayed on the credit card reader, and routes answers to survey questions received from the credit card reader over the network **(transmit data and/or information using TCP/IP, as well as any other Internet and/or World Wide Web protocols)** to the survey processing server [Paragraph 129]. It would have been

obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of transmitting data over the Internet to centrally store a repository of survey questions and corresponding answers, enabling further research to be conducted (marketing research, data mining, statistical analysis, forecasting, etc.).

As per claim 17, Tedesco et al. teaches the system of claim 10, wherein said credit card reader and said POT terminal are integrally formed in a same housing **(within the vending machine)**. [Column 4, lines 66-67 and Article 120 of Figure 1]

As per claim 18, Tedesco et al. teaches the step of rewarding customers, authorizing the reward payments to a user after processing payment (via the credit card reader and payment processing server), accomplishing the same functionality of the claimed survey processing center. The survey processing center inherently is a repository of survey questions, and serves the purpose of processing surveys (receiving and tabulating survey answers).

As per claim 19, Tedesco et al. teaches the system of claim 10, wherein said system is usable with a retail **(vending machines)** establishment [Column 3, lines 50-55]. The location where the invention is implemented is considered non-functional descriptive material.

As per claim 20, Tedesco et al. teaches the system of claim 10, wherein said system is usable with an automatic teller machine **(ATM)**. [Column 3, lines 44-48]

As per claims 21 and 22, Tedesco et al. teaches the system of claim 10, wherein said system is usable with a commodity providing **(beverages, snacks, video tapes and children's toys)** concern. [Column 3, lines 21-22] Tedesco et al. is silent regarding the location or placement of the vending machines, but it is inherent that vending machines can be placed in a variety of locations and business establishments, such as office buildings, hotel lobbies, fuel dispensing stations, and retail stores. The location where the invention is implemented is considered non-functional material.

As per claim 23, Tedesco et al. teaches a method of conducting a survey, comprising:

while performing a transaction at a point-of-transaction terminal, presenting a plurality of choices to a customer [Column 3, lines 50-56];

entering the preferred choices of the customer **(using an input device)** [Column 4, lines 44-61]; and

recording **(stores information in the customer response database)** the entered choices [Column 6, lines 1-3].

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional

descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of conducting political polls at a point-of-transaction terminal in order to appeal to a broader target audience, increasing the likely response rate and providing a more accurate polling result.

As per claim 27, Tedesco et al. teaches a commercial transaction and surveying system, comprising:

a presentation **(display unit 150)** unit for presenting a plurality of choices [Column 3, lines 50-56, Figure 1];

an input unit for entering the preferred choices **(using an input device)** [Column 4, lines 44-61]; and

a recording unit **(data storage device)** for recording the entered choices **(stores information in the customer response database)**, said plurality of choices being presented at a point-of-transaction [Column 6, lines 1-3].

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of conducting political polls at a point-of-transaction terminal in order to appeal to a broader target audience, increasing the likely response rate and providing a more accurate polling result.

As per claim 28, Tedesco et al. teaches an automated teller machine, comprising:

a banking transaction system **(mechanisms for receiving payment and dispensing change, including card reader, coin accepter, bill validator, and a change dispenser)** [Column 4, lines 61-65]; and

a surveying system electronically linked **(housed within the machine)** to said banking transaction system such that at a point-of-transaction a survey is electronically presented to a customer **(using display unit 150)** [Figure 1].

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step

of conducting political polls at a point-of-transaction terminal in order to appeal to a broader target audience, increasing the likely response rate and providing a more accurate polling result.

As per claim 29, Tedesco et al. teaches the ATM of claim 28, wherein said surveying system comprises:

a presentation unit **(display unit 150)** for presenting a plurality of choices [Column 3, lines 50-56];

an input unit for entering the preferred choices **(using an input device)** [Column 4, lines 44-61]; and

a recording unit **(data storage device)** for recording the entered choices [Column 6, lines 1-3].

As per claim 30, Tedesco et al. teaches an automated teller machine, comprising:

a point-of-transaction terminal **(vending machine)**; and

a card reader **(card reader 120)** electronically coupled to said point-of-transaction terminal, said card reader comprising a display screen **(display unit 150)**, a customer input device **(input device 110)** and a mechanism for reading a card [Figure 1],

wherein substantially concurrently with a transaction, a survey is electronically received by said point-of-transaction terminal and displayed on said display screen for allowing a customer to participate in a survey [Lines 2-4 of Abstract].

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of conducting political polls at a point-of-transaction terminal in order to appeal to a broader target audience, increasing the likely response rate and providing a more accurate polling result.

As per claim 31, Tedesco et al. teaches a point-of-transaction device, comprising:

a point-of-transaction terminal **(vending machine)**; and

a card reader **(card reader 120)** electronically coupled to said point-of-transaction terminal, said card reader comprising a display screen **(display unit 150)**, a customer input device **(input device 110)** and a mechanism for reading a card [Figure 1],

wherein substantially concurrently with a transaction, a survey is electronically received by said point-of-transaction terminal and displayed on said display screen for allowing a customer to participate in a survey [Lines 2-4 of Abstract].

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of conducting political polls at a point-of-transaction terminal in order to appeal to a broader target audience, increasing the likely response rate and providing a more accurate polling result.

As per claim 32, Tedesco et al. teaches a signal-bearing **(computer readable)** medium tangibly embodying **(having computer readable code means embodied)** a program of machine-readable instructions **(computer readable program code)** executable by a digital processing apparatus to perform a method of conducting a survey, comprising:

while performing a transaction at a point-of-transaction terminal, presenting a plurality of choices **(at least one question)** to a customer;

entering the preferred choices **(receive an answer to the question)** of the customer; and

recording the entered choices [Claims 31, 56, and 84].

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the

same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of conducting political polls at a point-of-transaction terminal in order to appeal to a broader target audience, increasing the likely response rate and providing a more accurate polling result.

As per claim 33, Tedesco et al. teaches a system for conducting a survey, comprising:

a presentation unit **(display unit 150)** for presenting a plurality of choices at a point-of-transaction terminal **(vending machine, ATM)** [Column 3, lines 50-56];

an input unit for entering the preferred choices **(using an input device)** [Column 4, lines 44-61];

a recording unit **(data storage device)** for recording the entered choices [Column 6, lines 1-3]; and

Tedesco et al. teaches the allocation of a reward [Claim 1] that achieves the same functionality as a reward unit, meeting the limitation of the claim.

As per claim 34, Tedesco et al. teaches the system of claim 1, wherein said political poll includes voting **(receiving a response to a question from the customer)** [Claim 1].

As per claim 35, Tedesco et al. teaches a system for conducting a survey and a commercial transaction, comprising:

a presentation unit **(display unit 150)** for presenting a plurality of choice at a point-of-transaction terminal **(vending machine, ATM)** [Column 3, lines 50-56];

an input unit for entering the preferred choices **(using an input device)** [Column 4, lines 44-61];

a recording unit **(data storage device)** for recording the entered choices [Column 6, lines 1-3];

rewarding a frequent user, wherein said survey comprises a poll; and

wherein said point-of-transaction terminal comprises an automated teller machine (ATM), said ATM comprising:

a banking transaction system **(mechanisms for receiving payment and dispensing change, including card reader, coin accepter, bill validator, and a change dispenser)** [Column 4, lines 61-65]; and

a surveying system electronically linked **(housed within the machine)** to said banking transaction system such that at a point-of-transaction a survey is electronically presented to a customer **(using display unit 150)**.

Tedesco et al. teaches the allocation of a reward [Claim 1] which may come in the form of loyalty points (among other embodiments) that meets the limitation of the claim.

Tedesco et al. does not expressly teach the specific data of political polls as recited in the claim. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP ∋ 2106.*

Nevertheless, Joao teaches the step of administering a political survey, poll and questionnaire [Paragraph 33]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Tedesco et al. to include the step of conducting political polls at a point-of-transaction terminal in order to appeal to a

broader target audience, increasing the likely response rate and providing a more accurate polling result.

11. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcous et al. (U.S Patent #5,650,604) and Joao.

As per claims 24 and 26, Marcous et al teaches a credit card transaction method, comprising:

at a point-of-transaction terminal **(ATM)**, reading a credit card of a customer by a card reader to read the card identification information; [Column 8, lines 23-30]

sending a transaction request to a payment gateway **(switch of a pseudo terminal)**, to verify the transaction, order a transfer of funds from the customer's bank to a bank of the payee, and obtain an authorization or confirmation number **(approval message and PIN)**; [Column 5, lines 56-58]

sending, by the payment gateway, an authorization number **(approval message and PIN)** to the POT terminal; [Column 6, lines 23-26]

Marcous et al. is silent regarding customer verification of the transaction. However, the credit card transaction method inherently includes a verification step (verifying payment amount, verifying identify, etc.) to eliminate the processing of clearly wrong orders.

Although not taught by Marcous et al., Joao teaches the step of electronically obtaining a survey question **(transmitting data and/or information using TCP/IP, as well as any other Internet and/or World Wide Web protocols)** [Paragraph 129]. Joao also teaches the step of having the user answer the survey question by conducting a poll [Claim 5]. After the answer has been entered, a reward is given to the customer. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Marcous et al. to include the survey question (and administration) as taught by Joao to obtain immediate feedback regarding the information viewed by the customer

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined teachings of Marcous et al. and Joao to include the step of sending the answer to a survey processing center, where distribution of a reward would be authorized since it would allow registration of the customer in a central data repository as having participated in the survey, and ensuring that customer is authorized (qualifies, has not exceeded any limitations as to how many times participating) to receive specialized offers (addressed to the customer's name, based on their past transaction history, etc.).

As per claim 25, although not taught by Marcous et al., Joao teaches the method of claim 24, wherein said authorizing by the survey processing server comprises instructing the payment gateway server to order a transfer of funds from a transaction

server, an award of frequent flyer miles **(a frequent flier reward)**, a discount on a future purchase **(a coupon)**, and a discount on a concurrent purchase **(a direct price reduction)** [Claim 9]. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Marcous et al. to include incentives to customers completing the survey to increase the user participation rate, which provides a larger sample size and (potentially) more accurate results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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PC

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TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600